

UNITED STATES OF AMERICA  
NORTHERN DISTRICT OF INDIANA

ESTATE OF BRENDA JOYCE WASHINGTON,	)	
DECEASED, by TRIVIEA WASHINGTON,	)	
Personal Representative	)	
	)	
Plaintiff,	)	
	)	Case No. 3:12-CV-273-WCL
v.	)	
	)	
MEMORIAL HOSPITAL OF SOUTH BEND INC,	)	
ET AL	)	
	)	
Defendants.	)	

**ORDER**

On April 3, 2013, the Clerk sent notice to Plaintiff Estate of Brenda Joyce Washington, Deceased, by Trivia Washington, as Personal Representative, that dismissal of the Plaintiff's claims against Defendants Memorial Hospital of South Bend, Inc., Dr. John F. Kobayashi, Cardiology Associates, Inc., Memorial Health System d/b/a E Blair Warner Family Medicine Center, and Dr. Timothy P. Gerst may be warranted, pursuant to Fed. R. Civ. P. 4(m), due to Plaintiff's failure to execute service of process on the same within 120 days of filing the complaint. *See* DE 3. The Clerk provided Plaintiff until April 18, 2013 to serve process on the Defendants. *See* DE 3.

Rule 4(m) of the Federal Rules of Civil Procedure provides that service must be completed within 120 days after the filing of the Complaint. Fed. R. Civ. P. 4(m). Given Plaintiff's failure to complete service despite the Court's warning, or respond in any way, the Court now **DISMISSES WITHOUT PREJUDICE** Plaintiff's claims against unserved Defendants Memorial Hospital of South Bend, Inc., Dr. John F. Kobayashi, Cardiology

Associates, Inc., Memorial Health System d/b/a E Blair Warner Family Medicine Center, and  
Dr. Timothy P. Gerst, pursuant to Fed. R. Civ. P. 4(m).

This case is now closed.

Entered: October 29, 2013

s/William C. Lee  
Judge  
United States District Court